



UNITED STATES PATENT AND TRADEMARK OFFICE

12

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,178	10/23/2003	Oleg Koutyrine	11884/405901	2622
26646	7590	09/25/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/693,178	KOUTYRINE ET AL.	
	Examiner	Art Unit	
	John Chavis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The claimed invention (in claims 1-4) is directed to non-statutory subject matter.

The claimed invention (in claim 1) is directed toward non-functional descriptive material.

The applicant claims a computer system. However, none of the components appear to be components of a computer system. For example, server objects, local objects and a generator component each appear to be directed toward software components, not components of a computer system. Furthermore, the components appear to be non functional because the server and local objects provide no functionality and appear to be merely object that are capable of being acted on. The generator component appears to be capable of providing functionality if a request is actually made. However, the applicant merely indicates that the generator component (software) is capable of providing some sort of functionality if a request is made. But, nothing indicates that a request is actually made. The system appears to merely suggest that if a request is made, the system is capable of (configured to) providing some sort of functionality. The dependent claims (claims 2-4) do not provide corrections to the problems with the dependent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2193

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Greene et al. (6,922,685).

What is claimed is:

Greene

1. A computer system for selectively retrieving runtime objects in an application development environment, comprising:

See the title, abstract and fig. 11B.

a plurality of server runtime objects;

See item 1126 of fig. 11B, col. 28 lines 20-26 and lines 58-61.

a plurality of local runtime objects, each local runtime object including a generation setting associated with generation of the respective local runtime object; and

See col. 61, items 62-66 and col. 62 lines 21-30.

a generator component responsive to a request for a requested runtime object by being configured to retrieve a valid copy of the requested

See the enterprise repository lookup in col. 56 lines 21-24 and the smart proxy in col. 59 line 58-col. 60 line 19.

runtime object from the plurality of local runtime objects if therein, and to otherwise retrieve the valid copy of the requested runtime object from the plurality of server runtime objects if therein.

2. The system of claim 1, wherein the generator component is configured to invalidate a local runtime object when the local runtime object's generation setting does not match current generator settings.

See the "self-healing" function in the cited portion of col. 60 above.

3. The system of claim 1, wherein the generator component retrieves the local runtime object by being configured to-return a data element indicating the requested local runtime object's validity.

" " " "

4. The system of claim 1, further comprising a local database including a first data structure and a second data structure, the second data structure configured to store a plurality of pointers, at least one pointer configured to identify a local runtime object from the plurality of local runtime objects, the first data structure configured to store a plurality of commands, the commands configured to manipulate the second data structure.

" " " "

As per claims 5-7, 9, and 13-14, see the rejection of claim 1 above.

In reference to claims 8 and 15, see col. 32 lines 16-39.

The features of claims 10-12, see the rejection of claims 2-4.

The current application does not specifically refer to objects as "local objects" and "server objects"; however, those features are considered addressed above by their inherent location. Furthermore, the other references cited in this action, by the same inventor, in related applications, specifically recite each of the features.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/693,178
Art Unit: 2193

Page 6

JC

A handwritten signature in black ink, appearing to read "John Chavis". The signature is fluid and cursive, with the first name "John" and last name "Chavis" clearly distinguishable.

John Chavis
Primary Examiner AU-2193